

ORDINANCE \_\_\_\_\_, SERIES 2007

**AN ORDINANCE ~~REPEALING~~ ~~AMENDING~~ ~~AND~~ ~~RE-ENACTING~~  
LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS  
115.060 – 115.063 AND 115.999 (B) (1) AND (2) REGARDING  
FIREWORKS AND BALLOONS. (AS AMENDED)**

**SPONSORED BY:** Councilmen Blackwell, Kramer and Downard

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS  
FOLLOWS:**

**SECTION I.** LMCO Sections 115.060 – 115.063 and 115.999 (B) (1) and (2) are hereby  
repealed in their entirety. ~~amended and reenacted as follows:~~

**FIREWORKS AND BALLOONS ~~STORAGE OF FIREWORKS~~**

**~~115.060 PROHIBITED SALES. PERMIT REQUIRED.~~**

~~Prior to storing any type of fireworks or pyrotechnics, a wholesaler, dealer, or distributor  
shall obtain a permit from the Authority Having Jurisdiction, as described in 815 KAR  
10:060, of the Fire District or Fire Department. Such permit shall be required for the  
purpose of keeping public safety personnel aware of the location of combustible and  
explosive devices.~~

~~It shall be unlawful for any person to sell, offer for sale, expose for sale, use, discharge,  
or explode any blank cartridge, toy pistol or cannon, toy cane, or toy cannon in which  
explosives are used, the type of balloon which requires fire underneath to propel it, fire  
crackers, torpedoes, sky rockets, Roman candles, aerial salutes, American or Chinese  
bombs, or other fireworks of like construction, or any fireworks containing any  
explosives or inflammable compound or any tablets or other device commonly used and  
sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium,~~

~~antimony, arsenic, mercury, nitroglycerine, phosphorus, or any compound containing any of these items or other modern explosives within Jefferson County.~~

#### **~~115.061 AUTHORIZED USE; PERMIT.~~**

~~Nothing herein contained shall prohibit the use of fireworks for pyrotechnic displays given by fair associations, amusement parks, the Parks Department, civic organizations, or groups of individuals under the direct supervision of experts in the handling of fireworks, provided a permit has been secured from the Secretary of the Cabinet for Public Protection, in such form as may be prescribed on furnishing such information as the Secretary may require. This display or displays shall be of such a character and so located, discharged, or fired as not to be hazardous to property or endanger any person or persons. Application for such licenses shall be made 15 days in advance of the date of display. The provisions of this subchapter shall not prohibit the use or sale of colored flares or the use or sale of blank cartridges for theatrical purposes or for signal purposes in athletic contests or sport events, or by railroads for signal purposes, or for the use of militia, police, or military organizations.~~

#### **~~115.062 WHOLESALE EXCEPTED; STORAGE LICENSE.~~**

~~(A) Nothing in this subchapter shall be construed to prohibit any resident wholesaler, dealer, or jobber from storing or selling fireworks at wholesale, provided they are shipped or delivered directly outside the limits of Jefferson County and the wholesaler, dealer, or jobber has secured from the Revenue Commission a license for such storing~~

~~and selling of fireworks, which license shall be kept on display in a conspicuous place.~~  
~~The license fee shall be \$25 annually.~~

~~(B) — This license shall be issued only on the written approval of the Director of Inspections, Permits, and Licenses. A written application shall be filed with the Director of Inspections, Permits, and Licenses stating the name and address of the applicant; the location and character of the building or premises where such fireworks or explosives are to be kept, sold, or disposed of; the kind and character of fire resisting fire extinguishment equipment installed; and the kind or character and amount of fireworks or explosives to be kept or handled during the time covered by the license, together with the written approval of the application of the Chief of Division of Fire.~~

~~(C) — The license may be revoked by the Director of Inspections, Permits, and Licenses for any false statement in the application or for any violation of the terms of this subchapter.~~

#### **~~115.063 HYDROGEN BALLOONS.~~**

~~It shall be unlawful for any person to sell, give away, furnish, or use, either indoors or out-of-doors, or to cause or permit to be sold, given away, furnished, or used, either indoors or out-of-doors, any toy or balloon, inflated bag or container, or any similar lighter-than-air rubber toy or other device which contains any hydrogen or any other poisonous, explosive, or flammable gas in any quantity whatever within Jefferson County.~~

#### **~~§ 115.999 PENALTY.~~**

~~(B) (1) Any person who violates any of the provisions of §§ 115.060 through 115.062 shall be fined not less than \$10 nor more than \$50 for each offense. Each sale in violation thereof and each day on which fireworks are used or sold by such person shall constitute a separate offense.~~

~~(2) Any person who violates any of provisions of § 115.063 shall be fined not less than \$10 nor more than \$100, imprisoned for not more than 50 days, or both.~~

**SECTION II.** This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
Kathleen J. Herron  
Metro Council Clerk

\_\_\_\_\_  
Rick Blackwell  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_

Gldwsunsetfireworks/balloons 5-23-07  
sunset 115.060-063 fireworks-balloons.doc  
LMCO 115.060-063 fireworks-balloonsROC bkn Draft2\_082807.doc  
LMCO 115.060-063 & .999 B1&2 Fireworks & Balloons ROC bkn Draft 2A 082807 Repeal 111907.doc

5-23-07  
8-28-07  
11-19-07